

**UNITED STATES BANKRUPTCY COURT FOR THE
NORTHERN DISTRICT OF MISSISSIPPI**

**In re: Anthony Alexander
Debtor**

**CHAPTER 13
CASE NO. 19-13708-JDW**

OBJECTION TO CHAPTER 13 PLAN CONFIRMATION

COMES NOW, Kubota Credit Corporation (“Objector”), a secured creditor herein, and objects to confirmation of the Chapter 13 Plan proposed by the Debtor on the following grounds:

1. On July 26, 2019, Debtor executed a Retail Installment Contract with Objector and purchased a Kubota M7060HDC, VIN 78584, Kubota LA1154, VIN C4484 and Land Pride RC2512, VIN 1365317 (collectively referred to herein as the “Kubota Collateral”).

2. The Kubota Collateral is subject to the hanging paragraph of 11 U.S.C. §1325. This is a purchase security interest, and the debt was incurred within one year preceding the filing of this bankruptcy petition. The Kubota Collateral is a “thing of value”, and therefore, Debtor is not entitled to cramdown of the claim.

3. Further, Debtor purchased the Kubota Collateral within 910 days of filing the bankruptcy petition.

4. The amount owed on the Kubota Collateral as shown on the Proof of Claim submitted by Objector is \$62,408.53, plus interest at the contract rate.

5. Debtor’s Chapter 13 Plan proposes to pay on the Vehicle at \$42,000.00 plus interest.

6. Debtor’s proposed plan does not meet the requirements of section 1325(a) as the plan does not provide for payment of Objector’s claim in full.

WHEREFORE, PREMISES CONSIDERED, Objector files its Objection to Chapter 13 Plan Confirmation and prays for full payment of its claim of \$62,408.53 plus interest, and for such other and more general relief as is just.

Respectfully submitted,

**BENNETT LOTTERHOS SULSER
& WILSON, P.A.**

/s/ Charles Frank Fair Barbour

Charles Frank Fair Barbour, MSB # 99520

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CERTIFICATE OF SERVICE

I, Charles Frank Fair Barbour, do hereby certify this day that I electronically filed the above and foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Robert H. Lomenick, Jr. at rlomenick@gmail.com

Locke D. Barkley at djenno@barkley13.com

US Trustee at USTPRegion05.AB.ECF@usdoj.gov

/s/ Charles Frank Fair Barbour